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Attorneys for Plaintiff, KELLY TATUM

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

KELLY TATUM

Plaintiff,

v.

SUNBEAM PRODUCTS, INC., a Delaware  
corporation; NEWELL BRANDS, INC., a  
Delaware corporation; BED BATH &  
BEYOND, INC., a New York corporation; and  
DOES 1-25;

Defendant(s).

Case No.: 4:22-cv-02978-HSG

**STIPULATION OF PARTIES UNDER  
FRCP 41(a) TO DISMISS THIRD CAUSE  
OF ACTION AGAINST DEFENDANTS,  
SUNBEAM PRODUCTS, INC. AND  
NEWELL BRANDS, INC. WITHOUT  
PREJUDICE; ORDER OF DISMISSAL**

DATE FILED: MARCH 17, 2022

TRIAL DATE: NOT YET SET

JUDGE: HON. HAYWOOD S. GILLIAM, JR.

COURTROOM: 2

WHEREAS on March 17, 2022, Plaintiff, KELLY TATUM (“Plaintiff”) filed her Complaint for Damages (1) Strict Products Liability, (2) Negligence, and (3) Breach of Warranty in the Superior Court of the State of California, County of Santa Clara, against Defendants, SUNBEAM PRODUCTS, INC., NEWELL BRANDS, INC., and BED BATH & BEYOND, INC.

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WHEREAS on May 19, 2022, Defendants SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC. removed Plaintiff's action to the United States District Court, Northern District of California, subsequently reassigned hereto the Oakland Division;

WHEREAS Plaintiff seeks to dismiss Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC. only, and only as to Plaintiff's Third Cause of Action for Breach of Warranty;

WHEREAS this stipulation is not intended to, nor shall it, impact Plaintiff's claim against Defendant, BED BATH & BEYOND, INC. for breach of warranty, or Plaintiff's claims for strict products liability and negligence against Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC.

IT IS HEREBY STIPULATED, by and between Plaintiff and Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC. by and through their respective counsel, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) that:

1. Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC., only, be dismissed, without prejudice as to Plaintiff's Third Cause of Action for Breach of Warranty; and

2. Each party is to bear their own costs and fees as to the claims being dismissed against Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC.

DATED: June 15, 2022

HINMAN LAW GROUP, P.C.

By: /s/ Seth E. Workman  
SETH E. WORKMAN  
Attorneys for Plaintiff, KELLY TATUM

DATED: June 15, 2022

GOLDBERG SEGALLA, LLP

By: /s/ Joseph R. Coriaty  
JOSEPH R. CORIATY  
Attorneys for Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC.


**ORDER**

The Court having reviewed the foregoing Stipulation under Federal Rule of Civil Procedure 41(a)(1)(ii), and good cause appearing therefore:

IT IS HEREBY ORDERED that Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC., only, be dismissed, without prejudice as to Plaintiff's Third Cause of Action for Breach of Warranty, and each party is to bear their own costs and fees as to the claims being dismissed against Defendants, SUNBEAM PRODUCTS, INC. and NEWELL BRANDS, INC.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: 6/16/2022

  
HON. HAYWOOD S. GILLIAM, JR.  
UNITED STATES DISTRICT JUDGE

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